

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**CASE NO. 3:99CR00217-06(PG)**

**EDDIE AYUSO-CORTIJO**

\*\*\*\*\*

**MOTION NOTIFYING VIOLATIONS  
OF THE SUPERVISED RELEASE TERM AND  
REQUESTING THE ISSUANCE OF A WARRANT  
AND TOLLING OF THE SUPERVISION TERM**

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO

COMES NOW, Yarixa Vázquez Marcano, U.S. Probation Officer of this Court, presenting an official report on the conduct and attitude of releasee, who on August 29, 2001, was sentenced to forty-six (46) months of imprisonment to be served concurrently with any other sentence that he may be serving at that time. In addition, a three (3) years supervised release term was also imposed after he plead guilty of violating Title 18, United States Code, Section 1956(h). As special conditions of the supervision term, he was ordered to submit to urinalyses and participate in a substance abuse treatment if such samples detect substance abuse. On September 7, 2004, the offender was released from custody at which time his supervised release term commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

The offender has violated the following supervision conditions since his release:

**1. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER THREE (3)-**

**“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”**

On March 28, and June 1, 2007, Mr. Ayuso-Cortijo failed to report as instructed to provide a urine sample for drug testing. In addition, on February 16, and June 21, 2007, urine specimen results came negative but, with a specimen validity status as dilute. This shows an abnormal result based on the specimen gravity and creatinine.

**2. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER SEVEN (7) -**

**“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”**

On November 7, and December 22, 2006, January 9, and July 13, 2007, urine specimen were collected. All of them tested positive to marijuana.

**3. VIOLATION OF SPECIAL CONDITION - “participate in a substance abuse treatment program arranged by the probation office and submit to laboratory testing as required”**

On May 9, 2006, the offender was referred to Consultores Psicológicos de Puerto Rico, an out-patient treatment program. Mr. Ayuso-Cortijo failed to report to treatment on September 11, 15, 2006, and April 5, 2007.

**WHEREFORE**, I declare under penalty of perjury that the foregoing is true and correct.

In lieu of the aforementioned, it is respectfully requested that the Court orders the tolling of the supervision term and the issuance of a warrant so that the offender may be brought before this Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 30 day of July 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER  
s/Yarixa Vazquez-Marcano  
Yarixa Vazquez-Marcano  
U.S. Probation Officer  
Federal Office Bldg. Room 400  
150 Chardon Avenue  
San Juan, P.R. 00918-1741  
Tel. 787-766-5920  
Fax 787-771-4063  
Email: [yarixa\\_vazquez@prp.uscourts.gov](mailto:yarixa_vazquez@prp.uscourts.gov)

**CERTIFICATE OF SERVICE**

I HEREBY certify that on July 30, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rosa E. Rodríguez, Assistant U.S. Attorney and Joseph Laws, Federal Public Defender.

In San Juan, Puerto Rico, this 30 day of July 2007.

s/Yarixa Vazquez-Marcano  
Yarixa Vazquez-Marcano  
U.S. Probation Officer  
Federal Office Bldg. Room 400  
150 Chardon Avenue  
San Juan, P.R. 00918-1741  
Tel. 787-766-5920  
Fax 787-771-4063  
Email: [yarixa\\_vazquez@prp.uscourts.gov](mailto:yarixa_vazquez@prp.uscourts.gov)